

107TH CONGRESS
1ST SESSION

S. 273

To amend title 28, United States Code, to divide New Jersey into 2 judicial districts.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2001

Mr. TORRICELLI (for himself and Mr. CORZINE) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to divide New Jersey
into 2 judicial districts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) In 1978, the Judicial Conference of the
6 United States established a procedure for creating
7 new Federal judicial districts, which is still in force.
8 According to the “Proceedings of the Judicial Con-
9 ference, September 21–22, 1978”, this procedure re-
10 quires that 4 principal criteria be taken into consid-

1 eration in evaluating the establishment of a new
2 Federal judicial district: caseload, judicial adminis-
3 tration, geography, and community convenience.

4 (2) The criterion of “caseload” is found to in-
5 clude the total number of Federal court cases and
6 the number of cases per Federal judge, for both
7 criminal and civil Federal cases.

8 (3)(A) The 13 southern counties of New Jersey,
9 consisting of Atlantic, Burlington, Camden, Cape
10 May, Cumberland, Gloucester, Hunterdon, Mercer,
11 Monmouth, Ocean, Salem, Somerset, and Warren
12 Counties, have a substantial criminal caseload which
13 requires the creation of a separate judicial district.

14 (B) 463 Federal criminal cases originated in
15 the 13 southern New Jersey counties in fiscal year
16 1999 and were handled principally by the 5 judges
17 of the Camden vicinage and the 3 judges of the
18 Trenton vicinage.

19 (C) In fiscal year 1999, the criminal cases orig-
20 inating in the 13 southern New Jersey counties ex-
21 ceeded that of 57 of the current 93 Federal judicial
22 districts other than the District of New Jersey. Only
23 36 of the other current Federal judicial districts had
24 more criminal cases than the southern region of New
25 Jersey.

1 (D) For example, in the District of Massachu-
2 setts (19 judges), 434 criminal cases were filed in
3 fiscal year 1999. In the District of Connecticut (14
4 judges), only 250 criminal cases were filed in fiscal
5 year 1999.

6 (4)(A) The substantial civil caseload con-
7 centrated in the southern counties of New Jersey re-
8 quires the creation of a separate judicial district.

9 (B) Approximately 2,983 Federal civil cases
10 originated in the 13 southern New Jersey counties
11 in fiscal year 1999 and were handled principally by
12 the 5 judges of the Camden vicinage and the 3
13 judges of the Trenton vicinage.

14 (C) In the fiscal year 1999, the civil cases origi-
15 nating in the 13 southern New Jersey counties ex-
16 ceeded that of 68 of the current Federal judicial dis-
17 tricts other than the District of New Jersey. Only
18 25 of the other Federal judicial districts had more
19 civil cases than the southern region of New Jersey.

20 (D) For example, in the Southern District of
21 West Virginia, a separate judicial district with 8
22 judges, only 1,203 civil cases were commenced in fis-
23 cal year 1999. The Western District of Tennessee,
24 with 6 judges, had only 1,512 civil cases commenced
25 in fiscal year 1999.

1 (5) The criterion of “judicial administration” is
2 found to include the backlog of pending cases in a
3 Federal judicial district, which hinders the effective
4 resolution of pending business before the court.

5 (6)(A) The size of the backlog of pending cases
6 concentrated in the 13 southern counties of New
7 Jersey requires the creation of a separate judicial
8 district.

9 (B) In fiscal year 1999, the pending criminal
10 cases attributed to the 13 southern New Jersey
11 counties exceeded that of 62 of the current 93 Fed-
12 eral judicial districts other than the District of New
13 Jersey. Only 31 of the other current Federal judicial
14 districts had more pending criminal cases than the
15 southern region of New Jersey.

16 (C) In fiscal year 1999, the pending civil cases
17 attributed to the 13 southern New Jersey counties
18 exceeded that of 66 of the current 93 Federal judi-
19 cial districts other than the District of New Jersey.
20 Only 27 of the other current Federal judicial dis-
21 tricts had more pending civil cases than the south-
22 ern region of New Jersey.

23 (D) The number of pending cases in the Cam-
24 den vicinage of New Jersey exceeds the number of
25 cases pending before entire judicial districts with

1 similar numbers of judges, clearly indicating that
2 southern New Jersey merits a separate Federal judi-
3 cial district. For example, as of October 1, 1999,
4 there were 1,431 civil cases pending before the Cam-
5 den vicinage, and only 113 of those were commenced
6 in fiscal year 1999. The Western District of Ten-
7 nessee, with 6 judges, had only 1,079 civil cases
8 pending in fiscal year 1999. The Western District of
9 Oklahoma had only 1,356 civil cases pending in fis-
10 cal year 1999 before 9 judges. Finally, there are 161
11 criminal cases pending before the Camden vicinage,
12 while the entire Southern District of Indiana, with
13 7 judges, had only 117 criminal cases pending in fis-
14 cal year 1999.

15 (7) The criterion of “geography” is found to
16 mean the accessibility of the central administration
17 of the Federal judicial district to officers of the
18 court, parties with business before the court, and
19 other citizens living within the Federal judicial dis-
20 trict.

21 (8)(A) The distance between the northern and
22 southern regions of New Jersey and the density of
23 New Jersey’s population create a substantial barrier
24 to the efficient administration of justice.

1 (B) The distance from Newark, New Jersey to
2 Camden, New Jersey is more than 85 miles.

3 (C) When a new Federal court district was cre-
4 ated in Louisiana in 1971, the distance between
5 New Orleans and Baton Rouge (nearly 80 miles)
6 was cited as a major factor in creating a new district
7 court, as travel difficulties were impeding the timely
8 administration of justice.

9 (9) The criterion of “community convenience”
10 is found to mean the extent to which creating a new
11 Federal judicial district will allow the court to better
12 serve the population and diverse communities of the
13 area.

14 (10)(A) New Jersey’s culturally and regionally
15 diverse population of over 8,000,000 citizens, widely
16 distributed across a densely populated State, is in-
17 convenient by having only 1 judicial district.

18 (B) The District of New Jersey is the third
19 most populous Federal judicial district in the United
20 States.

21 (C) The population of the 13 southern New
22 Jersey counties exceeds the population of 67 of the
23 current 93 Federal judicial districts other than the
24 District of New Jersey. The population of the 8
25 northern New Jersey counties (consisting of Bergen,

1 Essex, Hudson, Middlesex, Morris, Passaic, Sussex,
 2 and Union) exceeds the population of 73 of the cur-
 3 rent 93 Federal judicial districts other than the Dis-
 4 trict of New Jersey.

5 (D) Of the 25 States that have only a single
 6 Federal judicial district (including Puerto Rico, the
 7 United States territories, and the District of Colum-
 8 bia), New Jersey has the highest population.

9 (E) More than a dozen States have smaller pop-
 10 ulations than New Jersey, yet they have multiple
 11 Federal judicial districts, including Washington,
 12 Oklahoma, Iowa, Georgia, West Virginia, and Mis-
 13 souri.

14 (11) In evaluating the creation of a new South-
 15 ern District of New Jersey, the Judicial Conference
 16 should seek the views of the chief judge of the af-
 17 fected district, the judicial council for the affected
 18 circuit court, and the affected United States Attor-
 19 ney as representative of the views of the Department
 20 of Justice, as required in the procedure established
 21 by the “Proceedings of the Judicial Conference, Sep-
 22 tember 21–22, 1978”.

23 **SEC. 2. ESTABLISHMENT OF 2 DISTRICTS IN NEW JERSEY.**

24 (a) CREATION.—Section 110 of title 28, United
 25 States Code, is amended to read as follows:

1 **“§ 110. New Jersey**

2 “New Jersey is divided into 2 judicial districts to be
3 known as the Northern and Southern Districts of New
4 Jersey.

5 “Northern District

6 “(a) The Northern District comprises the counties of
7 Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sus-
8 sex, and Union.

9 “Court for the Northern District shall be held at
10 Newark.

11 “Southern District

12 “(b) The Southern District comprises the counties of
13 Atlantic, Burlington, Camden, Cape May, Cumberland,
14 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,
15 Salem, Somerset, and Warren.

16 “Court for the Southern District shall be held at
17 Camden and Trenton.”.

18 (b) JUDGESHIPs.—The item relating to New Jersey
19 in the table set forth in section 133(a) of title 28, United
20 States Code, is amended to read as follows:

“New Jersey:	
“Northern	10
“Southern	7”.

21 (c) BANKRUPTCY JUDGESHIPs.—The item relating to
22 New Jersey in the table set forth in section 152(a)(1) of
23 title 28, United States Code, is amended to read as fol-
24 lows:

“New Jersey:	
“Northern	4
“Southern	4”.

1 **SEC. 3. DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-**
2 **ISTRATE JUDGES, UNITED STATES ATTOR-**
3 **NEY, UNITED STATES MARSHAL, AND FED-**
4 **ERAL PUBLIC DEFENDER.**

5 (a) TRANSFER OF DISTRICT JUDGES.—(1) Any dis-
6 trict judge of the District Court of New Jersey who is
7 holding office on the day before the effective date of this
8 Act and whose official duty station is in Bergen, Essex,
9 Hudson, Middlesex, Morris, Passaic, Sussex, or Union
10 County shall, on or after such effective date, be a district
11 judge for the Northern District of New Jersey. Any dis-
12 trict judge of the District Court of New Jersey who is
13 holding office on the day before the effective date of this
14 Act and whose official duty station is in Atlantic, Bur-
15 lington, Camden, Cape May, Cumberland, Gloucester,
16 Hunterdon, Mercer, Monmouth, Ocean, Salem, Somerset,
17 or Warren County shall, on and after such effective date,
18 be a district judge of the Southern District of New Jersey.

19 (2) Whenever a vacancy occurs in a judgeship in ei-
20 ther judicial district of New Jersey, the vacancy shall first
21 be offered to those judges appointed before the enactment
22 of this Act and in active service in the other judicial dis-
23 trict of New Jersey at the time of the vacancy, and of
24 those judges wishing to fill the vacancy, the judge most

1 senior in service shall fill that vacancy. In such a case,
 2 the President shall appoint a judge to fill the vacancy re-
 3 sulting in the district of New Jersey from which such
 4 judge left office.

5 (b) TRANSFER OF BANKRUPTCY AND MAGISTRATE
 6 JUDGES.—Any bankruptcy judge or magistrate judge of
 7 the District Court of New Jersey who is holding office on
 8 the day before the effective date of this Act and whose
 9 official duty station is in Bergen, Essex, Hudson, Mid-
 10 dlesex, Morris, Passaic, Sussex, or Union County shall, on
 11 or after such effective date, be a bankruptcy judge or mag-
 12 istrate judge, as the case may be, for the Northern Dis-
 13 trict of New Jersey. Any bankruptcy judge or magistrate
 14 judge of the District Court of New Jersey who is holding
 15 office on the day before the effective date of this Act and
 16 whose official duty station is in Atlantic, Burlington, Cam-
 17 den, Cape May, Cumberland, Gloucester, Hunterdon, Mer-
 18 cer, Monmouth, Ocean, Salem, Somerset, or Warren
 19 County shall, on and after such effective date, be a bank-
 20 ruptcy judge or magistrate judge, as the case may be, of
 21 the Southern District of New Jersey.

22 (c) UNITED STATES ATTORNEY, UNITED STATES
 23 MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

24 (1) THOSE IN OFFICE.—This Act and the
 25 amendments made by this Act shall not affect the

1 tenure of office of the United States attorney, the
2 United States marshal, and the Federal Public De-
3 fender, for the District of New Jersey who are in of-
4 fice on the effective date of this Act, except that
5 such individuals shall be the United States attorney,
6 the United States marshal, and the Federal Public
7 Defender, respectively, for the Northern District of
8 New Jersey as of such effective date.

9 (2) APPOINTMENTS.—The President shall ap-
10 point, by and with the advice and consent of the
11 Senate, a United States attorney and a United
12 States marshal for the Southern District of New
13 Jersey. The Court of Appeals for the Third Circuit
14 shall appoint a Federal Public Defender for the
15 Southern District of New Jersey.

16 (d) PENDING CASES NOT AFFECTED.—This Act and
17 the amendments made by this Act shall not affect any ac-
18 tion commenced before the effective date of this Act and
19 pending in the United States District Court for the Dis-
20 trict of New Jersey on such date.

21 (e) JURIES NOT AFFECTED.—This Act and the
22 amendments made by this Act shall not affect the com-
23 position, or preclude the service, of any grand or petit jury
24 summoned, empaneled, or actually serving in the Judicial
25 District of New Jersey on the effective date of this Act.

1 **SEC. 4. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This Act and the amendments
3 made by this Act shall take effect 180 days after the date
4 of the enactment of this Act.

5 (b) APPOINTMENTS.—Notwithstanding subsection
6 (a), the President and the Court of Appeals for the Third
7 Circuit may make the appointments under section 3(c)(2)
8 at any time after the date of the enactment of this Act.

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